

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

EDI VILLALOBOS LAZARO, JR.,

Plaintiff,

Case No. 2:19-cv-00594-AC

v.

OPINION AND ORDER

**OREGON DEPARTMENT OF
CORRECTIONS, BOWSER,
AMSBERRY, JACKSON, BRAUN,
NINMAN, PRINS, DEACON, BAUER,
COOK, NOOTH, ENRIQUEZ, RAMSEY,
LEGORE, TERRY, YOUNG, OSBURN,**

Defendants.

MOSMAN, J.,

On September 14, 2021, Magistrate Judge John Acosta issued his Findings and Recommendation (“F. & R.”) [ECF 66]. Judge Acosta recommends that I grant the Defendants’ Motion for Summary Judgment [ECF 58] and dismiss the complaint [ECF 2] with prejudice. Objections were due on November 1, 2021, and Plaintiff objected [ECF 75]. On November 15, 2021, Judge Acosta issued an additional F. & R. [ECF 79] recommending that I deny Plaintiff’s Motion to Add Additional Defendants [ECF 68]. Objections were due on November 29, 2021, and Plaintiff filed objections [ECF 81]. Defendants responded to both of Plaintiff’s objections [ECF 82]. I agree with Judge Acosta.

STANDARD OF REVIEW


The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendations, I ADOPT his F. & R. [ECF 66] as my own opinion, and I GRANT the Defendants' Motion for Summary Judgment [ECF 58]. I also ADOPT his F. & R. [ECF 79] as my own opinion, and I DENY Plaintiff's Motion to Add Additional Defendants [ECF 68]. I dismiss the complaint [ECF 2] with prejudice.

IT IS SO ORDERED.

DATED this 10th day of January, 2022.


MICHAEL W. MOSMAN
United States District Judge